

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

A.P. State Disaster Response & Fire Services Department – Sri S.Venkateswara Rao, District Fire Officer (Retired on 30-06-2011), Kakinada, East Godavari District – Departmental proceedings under Rule 9 of the A. P. Revised Pension Rules, 1980 – Article of Charges – Orders -Issued.

HOME (PRISONS & FIRE SERVICES) DEPARTMENT

G.O.Rt.No.854

Dated:11.07.2014

Read the following:

1. Sri.S.V.Rao , DFO (Retired) representation dated 05.09.2012.
2. From the D.G.(Fire) Lr.Rc.No.8671/PR/E2/2011, dt.18.10.2012.
3. Govt.Memo.No.24145 /FS.I/2012, dated 27.07.2013.
4. From the D.G (Fire) Lr.Rc.No.8671/PR/E2/2011, dt.04.12.2013.

ORDER:

Whereas it is proposed to hold an enquiry against Sri S.Venkateswara Rao, District Fire Officer (Retired from service on 30-06-2011), Kakinada, East Godavari District in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991. The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charges (Annexure – I). A list of documents by which, the articles of Charges are proposed to be sustained are also enclosed (Annexure – II).

2. Sri S.Venkateswara Rao, District Fire Officer (Retired), Kakinada, East Godavari District is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that Sri S.Venkateswara Rao, District Fire Officer (Retired), Kakinada, East Godavari District is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

3. Sri S.Venkateswara Rao, District Fire Officer (Retired), Kakinada, East Godavari District is directed to submit his explanation within (10) days of the receipt of this order, and a written statement of his defence.

4. He is further informed that if he does not submit his written statement of defence on or before the date specified in para 3 above further action will be processed based on the material available.

5. The receipt of this order with Annexure I & II should be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

DR. B. PRASADA RAO
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri S.Venkateswara Rao, District Fire Officer (Retired from service on 30-06-2011), Kakinada, East Godavari District through D.G.(Fire) in duplicate

Copy to:

The Director, State Disaster Response and Fire Services, A.P., Hyderabad. with a request to serve the charge Memo to the above individual and obtain dated signature on the duplicate copy and furnish the same to Government.

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE – I

STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST

SRI S.VENKATESWARA RAO, DISTRICT FIRE OFFICER (RETIRED FROM SERVICE ON 30-06-2011), KAKINADA, EAST GODAVARI DISTRICT

ARTICLE OF CHARGE: That the Accused Officer Sri S.Venkateswara Rao, District Fire Officer (Retired from service on the AN of 30-06-2011) while working as District Fire Officer, Kakinada, East Godavari District has exhibited grave misconduct, gross neglect and dereliction of duty by issuing No Objection Certificates to the existing Multi Storeyed Buildings in violation of Section 13 of A.P. Fire Service Act, 1999 and acted as unbecoming of Government Servant which was against Rule (3) of A P C S (Conduct) Rules, 1964.

BASIS OF CHARGE: The Accused Officer while working as District Fire Officer, Kakinada, East Godavari District has issued No Objection Certificates to certain Industries (Multi Storeyed Buildings i.e. 15 meters height above) in East Godavari District without competence and without following the procedure laid down in the A. P. Fire Service Act, 1999 and High Power Committee Recommendations issued in G.O. Ms. No. 154, MA & UD (M1) Department, dated 13-03-2007 and Govt. Memo No. 4011/M1/2008, dated 19-05-2008 of M.A & U. D (M1) Department.

The Accused Officer while working as District Fire Officer, Kakinada, East Godavari District issued NOC to certain Industries violating the provisions of Section 13 of A. P. Fire Service Act, 1999 which reads as follows: “Any person proposing to construct a building of more than 15 meters of height for Commercial / Business purpose, 18 meters and above height for Residential purpose shall apply to the Director General or any member of the service duly authorized by him in this behalf, before submission of such building plans to the authority or officer competent to approve the same under the relevant law, for the time being in force, for a no objection certificate along with such fee as may be prescribed”.

The Director General of State Disaster Response & Fire Services, Andhra Pradesh, Hyderabad issued circular Memo’s Rc. No. 2305/B2/2007, dated 28-02-2007, 12-09-2008 and 30-12-2009, where in instructions were issued regarding the delegation of powers to the Regional Fire Officers, District Fire Officers and Assistant District Fire Officers.

The Director General of State Disaster Response & Fire Services, Andhra Pradesh, Hyderabad is the competent authority to issue No Objection Certificate for the High-Rise Buildings (Height is more than 15 mtrs.) according to the provisions of A.P. Fire Service Act, 1999 **and these powers are not delegated to any Officer so far.**

Sri S.Venkateswara Rao, District Fire Officer (Retired) while working as District Fire Officer, Kakinada, East Godavari District have issued NOCs to the following existing industries Multi Storeyed Buildings in East Godavari District which are more than 15 miters in height.

S.No	Name of the Industry	Height of the Building
1	M/s Silk Road Sugar Pvt. Ltd., Sy. No. 235/1, Venkalapudi (V), Kakinada Rural (M), East Godavari District.	20.95 Meters.
2	M/s GMR Rajahmundry Energy Limited, Vemagiri (V), Kadiyam (M), East Godavari District.	26.00 Meters.
3	M/s Sri Sarvaraya Sugar Ltd., (Expansion), Sy. No. 294, Chellru (V), Rayavaram (M), East Godavari District.	18.00 Meters.

The District Fire Officer is not competent authority to issue No Objection Certificate to the High-Rise Buildings and Sri S.Venkateswara Rao (Retired) when working as District Fire Officer, Kakinada, East Godavari District has violated the Departmental instructions and the provisions of A.P. Fire Service Act, 1999.

Sri S.Venkateswara Rao, District Fire Officer (Retired) when working as District Fire Officer, Kakinada, East Godavari District has violated the instructions issued regarding the delegation of powers issued by the Director General of State Disaster Response & Fire Services, Andhra Pradesh, Hyderabad vide Circular Memo's Rc. No. 2305/B2/2007, dated 28-2-2007, 12-9-2008 and 30-12-2009 and High Power Committee Recommendations issued in G.O. Ms. No. 154, M A & U D (M1) Department, dated 13-03-2007 in issuing No Objection Certificates to the industries for three (3) existing Multi Storeyed Buildings. Further, these Multi Storeyed Buildings which are more than 15 meters height.

Thus, the Government Servant by his above mentioned acts has exhibited lack of integrity, devotion to duty and conducts unbecoming Government Servant and thereby contravened Rule 3 (1) (2) of APCS (Conduct) Rules, 1964 and there by rendered himself liable for departmental enquiry for major penalty.

ANNEXURE – II

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGE FRAMED
AGAINST SRI S.VENKATESWARA RAO, DISTRICT FIRE OFFICER
(RETIRED FROM SERVICE ON 30-06-2011), KAKINADA, EAST GODAVARI
DISTRICT

1. Letter Rc. No. 6291/Singlewindow/EGDT/2011, Dated 23-06-2011 addressed to the Commissioner of Industries, Government of Andhra Pradesh, Chirag Ali Lane, Hyderabad.
2. Letter Rc. No. 6292/Singlewindow/EGDT/2011, Dated 26-06-2011 addressed to the Commissioner of Industries, Government of Andhra Pradesh, Chirag Ali Lane, Hyderabad.
3. Letter Rc. No. 6406/Singlewindow/EGDT/2011, Dated 27-06-2011 addressed to the Commissioner of Industries, Government of Andhra Pradesh, Chirag Ali Lane, Hyderabad.
4. Any other documents as decided by the Inquiry Authority.